

David J. Bradley, Clerk

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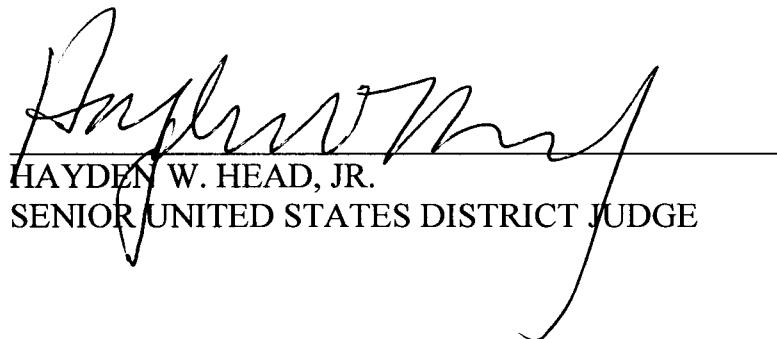
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state defendant....” *Smallwood v. Ill. Cent. R. Co.*, 385 F.3d 568, 573 (5th Cir. 2004). Plaintiffs bring this lawsuit against Defendants for violations of the Texas Insurance Code in addition to various contract and common law claims. Defendants assert that Plaintiffs cannot recover against Defendant Hawkins individually because Plaintiffs have failed to state a claim against him.

The Court finds that Defendants have not shown Plaintiffs have no possibility of recovery against Defendant Hawkins. Plaintiffs’ complaint alleges facts that raise a plausible possibility they could recover against Defendant Hawkins under Section 541.060(a)(2) of the Texas Insurance Code. Defendant Hawkins is properly joined. *See Olivo v. Certain Underwriters at Lloyd’s, London*, No. 4:15-CV-2131, 2016 WL 7742786, at *2 (S.D. Tex. July 8, 2016); *Richard v. Geovera Specialty Ins. Co.*, No. 4:16-CV-2496, 2016 WL 6525438, at *4-5 (S.D. Tex. Nov. 3, 2016). Because Plaintiffs and Defendant Hawkins are citizens of Texas, there is a lack of complete diversity among the parties.

Accordingly, Plaintiffs’ Motion to Remand is **GRANTED**, and this case is remanded to the 148th Judicial District Court of Nueces County, Texas.

ORDERED this 12 day of October, 2017.


HAYDEN W. HEAD, JR.
SENIOR UNITED STATES DISTRICT JUDGE